

Docket No.: MURD-10744
Application No.: 10/538,238
Amendment Date: September 12, 2006
Reply of Office Action of: June 12, 2006

REMARKS

Claims 9-14 are currently pending in the application. Applicants have canceled claims 1-8 and 15-24, and amended claim 9. Applicants request reconsideration of the application in light of the following remarks.

Indication of Condition for Allowance

Applicants wish to thank the Examiner for the indication of condition for allowance for the above referenced application but for the few formal matters. Applicants believe that all formal matters have been resolved, that the application is in condition for allowance, and respectfully request the same.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 6-8 and 15-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by York (U.S. Patent No. 6,241,696, hereinafter "York").

Claims 1, 6-8 and 15-16 have been canceled without traverse to obtain immediate allowance of the allowable subject matter. The rejection of claims 1, 6-8 and 15-16 is, therefore, obviated.

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Applicants respectfully request that the anticipation rejections of claims 1, 6-8 and 15-16 be withdrawn.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claims 2-5 and 17-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over York (U.S. Patent No. 6,241,696, hereinafter "York"), in view of Wong (U.S. Patent No. 4,169,466, hereinafter "Wong").

Claims 2-5 and 17-24 have been canceled without traverse to obtain immediate allowance of the allowable subject matter. The rejection of claims 2-5 and 17-24 is, therefore, obviated.

Applicants respectfully request that the obviousness rejections of claims 2-5 and 17-24 be withdrawn.

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Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claims 9-14, but objected to the form of the claims, they being dependent upon a rejected base claim. Applicants wish to thank the Examiner for this indication of allowable subject matter. The format of claims 9-14 has been amended herein without changing the scope to incorporate the elements of the base claim 8 upon which claim 9 depends. Therefore, claim 9 and all the claims that depend therefrom are allowable. All the rejected claim have been canceled herein in favor of a continuation application which will pursue these claims further.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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CONCLUSION


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added no new claims, resulting in no additional fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: September 12, 2006

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